

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Wayne R Smith

Plaintiff(s)

vs.

Defendant(s)

Civil Case No.: 9:24-cv-00749-
MAD-MJK

CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Wayne R. Smith #15082
Address: Oneida County Jail
6075 Judd Rd
Oriskany NY 13424

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Oneida County
Official Position: County of Oneida
Address: Oneida County Office Building
800 Park Ave
Utica NY 13501

b. Defendant: TYLER PELTON
Official Position: correctional OFFICER
Address: Rome Police Department
301 N. James St.
Rome N.Y. 13440

c. Defendant: John Doe
Official Position: correctional OFFICER
Address: Oneida County Jail
6075 Judd Rd.
Oriskany, NY 13429

Additional Defendants may be added on a separate sheet of paper. (see Attached)

4. **FACTS**

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

On April 6, 2024 I was brought to the
Oneida County Jail on assault
charges. Upon entering the Booking
Department I was verbally abused as
to why I was brought into custody.
I was falsely accused and ridiculed by
the above mentioned Correctional Officer's
to the point where they worked themselves
up to start to be aggressive towards
me.

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

I was heavily sedated from my previous stop at the Emergency Room @ WYNN Hospital where I was brought by Whitesboro Police. Upon entering a hold cell I was asked to undress. I was having trouble walking and asked for assistance. I was then thrown onto the ground and physically abused, beaten, and kicked in the groin by Tyler Kelton. (Co. @ the time) I was till I lost consciousness. While unconscious I was brought to and put into what they call a strip cell where I was held for several Days. For the First 3 days I was not Fed or provided with fresh water or medically attended to.

V. STATEMENT OF CLAIM(S)

[see Attached]

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

IV. (Continued)

After several days I was finally given clothes and put into SAI status which is what they call the box and was not allowed the privileges of a General Population Inmate. Every other day I was locked in my cell for 26 hrs straight. My visitors were turned away. I didn't break any facility rules to be placed ~~in~~ in such an environment.

I cannot recall all the officers names as I was sedated and most of my attackers were behind me. I would need access to the log of who was involved and the video footage of the incident, (body cam, Booking camera's)

I have been continuously denied the grievance process in this matter and others. The County of Oneida employs the individuals who assaulted and are responsible for the correctional Officers training and any and all behavior the C.O.'s demonstrate.

5.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

Cruel & unusual Punishment

SECOND CAUSE OF ACTION

failure to protect

THIRD CAUSE OF ACTION

6. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

I am seeking \$1,000,000 for the physical and mental abuse. I am seeking this amount because of the ongoing nightmares I have from the assault

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 7/25/24

Wayne R. Smith
WRS
Signature of Plaintiff(s)
(all Plaintiffs must sign)